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**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:09-cv-00096-FJS**

KHALID v. UNITED STATES CITIZENSHIP AND  
IMMIGRATION SERVICES et al  
Assigned to: Judge Frederick J. Scullin, Jr  
Cause: 05:552 Freedom of Information Act

Date Filed: 01/14/2009  
Date Terminated: 08/31/2011  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**MOHAMMAD KHALID**

represented by **Paul Shearman Allen , Sr.**  
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ASSOCIATES  
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**LEAD ATTORNEY**  
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**Michelle Benitez**  
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Washington, DC 20036  
(202) 638-2777  
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**PRO HAC VICE**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**UNITED STATES CITIZENSHIP AND  
IMMIGRATION SERVICES**

represented by **Adam Gordon Norlander**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
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*TERMINATED: 04/07/2010*  
*LEAD ATTORNEY*

**Gabriel R. Martinez**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Jennifer Zachary**  
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*TERMINATED: 10/13/2009*  
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**Audrey Elizabeth Lambert**  
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*TERMINATED: 11/16/2010*

**Christina Anne Cotter**  
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*TERMINATED: 04/12/2011*

**Defendant**

**T. DIANE CEJKA**

*Director, The National Records Center,  
USCIS*

represented by **Adam Gordon Norlander**  
(See above for address)  
*TERMINATED: 04/07/2010*  
*LEAD ATTORNEY*

**Gabriel R. Martinez**

(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Jennifer Zachary**

(See above for address)  
*TERMINATED: 10/13/2009*  
*LEAD ATTORNEY*

**Audrey Elizabeth Lambert**

(See above for address)  
*TERMINATED: 11/16/2010*

**Christina Anne Cotter**

(See above for address)  
*TERMINATED: 04/12/2011*

**Defendant**

**SARAH TAYLOR**

*USCIS, Acting District Director of  
Washington*

represented by **Adam Gordon Norlander**  
(See above for address)  
*TERMINATED: 04/07/2010*  
*LEAD ATTORNEY*

**Gabriel R. Martinez**

(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Jennifer Zachary**

(See above for address)  
*TERMINATED: 10/13/2009*  
*LEAD ATTORNEY*

**Audrey Elizabeth Lambert**

(See above for address)  
*TERMINATED: 11/16/2010*

**Christina Anne Cotter**

(See above for address)

TERMINATED: 04/12/2011

**Defendant**

**MICHAEL CHERTOFF**  
*Secretary, Department of Homeland  
Security*

represented by **Adam Gordon Norlander**  
(See above for address)  
*TERMINATED: 04/07/2010*  
*LEAD ATTORNEY*

**Gabriel R. Martinez**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Jennifer Zachary**  
(See above for address)  
*TERMINATED: 10/13/2009*  
*LEAD ATTORNEY*

**Audrey Elizabeth Lambert**  
(See above for address)  
*TERMINATED: 11/16/2010*

**Christina Anne Cotter**  
(See above for address)  
*TERMINATED: 04/12/2011*

**Defendant**

**MICHAEL MUKASEY**  
*Attorney General, Department of Justice*

represented by **Adam Gordon Norlander**  
(See above for address)  
*TERMINATED: 04/07/2010*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Gabriel R. Martinez**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Jennifer Zachary**  
(See above for address)  
*TERMINATED: 10/13/2009*  
*LEAD ATTORNEY*

**Audrey Elizabeth Lambert**  
(See above for address)  
*TERMINATED: 11/16/2010*

Date Filed	#	Docket Text
01/14/2009	<a href="#"><u>1</u></a>	COMPLAINT against UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, T. DIANE CEJKA, SARAH TAYLOR, MICHAEL CHERTOFF, MICHAEL MUKASEY ( Filing fee \$ 350, receipt number 4616017595) filed by MOHAMMAD KHALID. (Attachments: # <a href="#"><u>1</u></a> Civil Cover Sheet)(jf, ) (Additional attachment(s) added on 1/16/2009: # <a href="#"><u>2</u></a> Exhibit 1, # <a href="#"><u>3</u></a> Exhibit 2, # <a href="#"><u>4</u></a> Exhibit 3, # <a href="#"><u>5</u></a> Text of Proposed Order) (jf, ). (Entered: 01/16/2009)
01/14/2009		SUMMONS Not Issued as to UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, T. DIANE CEJKA, SARAH TAYLOR, MICHAEL CHERTOFF, MICHAEL MUKASEY (jf, ) (Entered: 01/16/2009)
03/13/2009		SUMMONS Issued as to T. DIANE CEJKA, SARAH TAYLOR, U.S. Attorney and U.S. Attorney General only. (kb) (Entered: 03/13/2009)
03/16/2009		Summons Issued as to MICHAEL CHERTOFF. (kb, ) (Entered: 03/16/2009)
04/10/2009	<a href="#"><u>2</u></a>	NOTICE of Appearance by Jennifer Zachary on behalf of all defendants (Zachary, Jennifer) (Entered: 04/10/2009)
04/13/2009	<a href="#"><u>3</u></a>	SUMMONS Returned Executed by MOHAMMAD KHALID. T. DIANE CEJKA served on 3/23/2009, answer due 4/22/2009; SARAH TAYLOR served on 3/23/2009, answer due 4/22/2009; MICHAEL CHERTOFF served on 3/24/2009, answer due 4/23/2009; MICHAEL MUKASEY served on 3/25/2009, answer due 4/24/2009. (Attachments: # <a href="#"><u>1</u></a> Certificate of Service, # <a href="#"><u>2</u></a> Proof of Service to DHS)(Allen, Paul) (Entered: 04/13/2009)
04/20/2009	<a href="#"><u>4</u></a>	Consent MOTION for Extension of Time to File Answer by UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, T. DIANE CEJKA, SARAH TAYLOR, MICHAEL CHERTOFF, MICHAEL MUKASEY (Zachary, Jennifer) (Entered: 04/20/2009)
04/28/2009		MINUTE ORDER: It is hereby ORDERED that the defendants' consent motion <a href="#"><u>4</u></a> for extension of time to respond to the complaint be, and hereby is, GRANTED. Response is due by June 23, 2009. Signed by Judge Richard W. Roberts on 4/28/09. (lcrwr1) (Entered: 04/28/2009)
05/06/2009		Set/Reset Deadlines: Answer due by 6/23/2009, (zlin, ) (Entered: 05/06/2009)

06/18/2009	<a href="#">5</a>	Consent MOTION for Extension of Time to <i>Respond to Complaint</i> by UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, T. DIANE CEJKA, SARAH TAYLOR, MICHAEL CHERTOFF, MICHAEL MUKASEY (Zachary, Jennifer) (Entered: 06/18/2009)
06/25/2009		MINUTE ORDER: It is hereby ORDERED that the defendants' consent motion <a href="#">5</a> for extension of time to June 30, 2009 to respond to the complaint be, and hereby is, GRANTED. Signed by Judge Richard W. Roberts on 6/25/09. (lcrwr1) (Entered: 06/25/2009)
06/25/2009	<a href="#">6</a>	Consent MOTION for Extension of Time to File Answer by UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, T. DIANE CEJKA, SARAH TAYLOR, MICHAEL CHERTOFF, MICHAEL MUKASEY (Zachary, Jennifer) (Entered: 06/25/2009)
07/08/2009		MINUTE ORDER: It is hereby ORDERED that the defendants' consent motion <a href="#">6</a> for extension of time to July 23, 2009 to respond to the complaint be, and hereby is, GRANTED. Signed by Judge Richard W. Roberts on 7/8/09. (lcrwr1) (Entered: 07/08/2009)
07/09/2009		Set/Reset Deadlines: Defendant's Response to the Complaint due by 7/23/2009. (hs) (Entered: 07/09/2009)
07/23/2009	<a href="#">7</a>	MOTION to Dismiss for Lack of Jurisdiction, MOTION for Summary Judgment by UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, T. DIANE CEJKA, SARAH TAYLOR, MICHAEL CHERTOFF, MICHAEL MUKASEY (Attachments: # <a href="#">1</a> Statement of Facts, # <a href="#">2</a> Declaration of Jill A. Eggleston)(Zachary, Jennifer) (Entered: 07/23/2009)
08/20/2009	<a href="#">8</a>	Consent MOTION for Leave to File <i>Plaintiff's Opposition to Defendant's Motion to Dismiss and for Summary Judgment</i> by MOHAMMAD KHALID (Attachments: # <a href="#">1</a> Text of Proposed Order, # <a href="#">2</a> Plaintiff's Opposition to Defendant's Motion to Dismiss and for Summary Judgment, # <a href="#">3</a> Proposed Order for Opposition to Motion to Dismiss, # <a href="#">4</a> Exhibit 1, # <a href="#">5</a> Exhibit 2, # <a href="#">6</a> Exhibit 3, # <a href="#">7</a> Exhibit 4)(Allen, Paul) (Entered: 08/20/2009)
09/10/2009	<a href="#">9</a>	REPLY to opposition to motion re <a href="#">7</a> MOTION to Dismiss for Lack of Jurisdiction MOTION for Summary Judgment filed by UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, T. DIANE CEJKA, SARAH TAYLOR, MICHAEL CHERTOFF, MICHAEL MUKASEY. (Attachments: # <a href="#">1</a> Exhibit Declaration of Brian J. Welsh)(Zachary, Jennifer) (Entered: 09/10/2009)

09/11/2009		MINUTE ORDER: It is hereby ORDERED that the plaintiff's consent motion <a href="#">8</a> for leave to file his opposition to the defendants' motion to dismiss and for summary judgment be, and hereby is, GRANTED. The Clerk shall docket the memorandum, proposed order, and exhibits attached to the plaintiff's motion <a href="#">8</a> as the plaintiff's opposition to the defendants' motion <a href="#">7</a> to dismiss and for summary judgment. Signed by Judge Richard W. Roberts on 9/11/09. (lcrwr1) (Entered: 09/11/2009)
09/11/2009	<a href="#">1</a> <a href="#">0</a>	Memorandum in opposition to re <a href="#">7</a> MOTION to Dismiss for Lack of Jurisdiction MOTION for Summary Judgment filed by MOHAMMAD KHALID. (Attachments: # <a href="#">1</a> Exhibit, # <a href="#">2</a> Text of Proposed Order)(jf, ) (Entered: 09/14/2009)
10/13/2009	<a href="#">1</a> <a href="#">1</a>	NOTICE OF SUBSTITUTION OF COUNSEL by Adam Gordon Norlander on behalf of all defendants Substituting for attorney Jennifer Zachary (Norlander, Adam) (Entered: 10/13/2009)
04/07/2010	<a href="#">1</a> <a href="#">2</a>	NOTICE OF SUBSTITUTION OF COUNSEL by Audrey Elizabeth Lambert on behalf of T. DIANE CEJKA, MICHAEL CHERTOFF, MICHAEL MUKASEY, SARAH TAYLOR, UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES Substituting for attorney Adam Norlander (Lambert, Audrey) (Entered: 04/07/2010)
11/16/2010	<a href="#">1</a> <a href="#">3</a>	NOTICE OF SUBSTITUTION OF COUNSEL by Christina Anne Cotter on behalf of All Defendants Substituting for attorney Audrey Lambert (Cotter, Christina) (Entered: 11/16/2010)
04/12/2011	<a href="#">1</a> <a href="#">4</a>	NOTICE OF SUBSTITUTION OF COUNSEL by Gabriel R. Martinez on behalf of All Defendants Substituting for attorney Christina Cotter (Martinez, Gabriel) (Entered: 04/12/2011)
07/18/2011	<a href="#">1</a> <a href="#">5</a>	ORDER by Chief Justice of the United States Supreme Court directing the designation and assignment of a United States District Judge for service in another circuit; assigning Judge Frederick J. Scullin, Jr. of the U.S. District Court for the Northern District of New York to the following cases: 10cv1646,08cv1199,09cv1482,10cv985,10cv2109,09cv96,06cv1216,02cv603,08cv77,and 06cv1652. (Signed by Chief Justice John D. Roberts on 7/1/11) (Entered: 07/18/2011)
07/18/2011	<a href="#">1</a> <a href="#">6</a>	Case Reassigned to Judge Frederick J. Scullin, Jr. Judge Richard W. Roberts no longer assigned to the case. (jeb, ) (Entered: 07/18/2011)
07/19/2011		TEXT SCHEDULING NOTICE: As this case has recently been reassigned, an In Person Status Conference is set for 7/22/2011 11:15 AM in Chambers 6333 before Judge Frederick J. Scullin Jr.. (Scullin, Frederick) (Entered: 07/19/2011)

07/20/2011	<a href="#">1</a> <a href="#">7</a>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Michelle Benitez, Esq., :Firm- Paul Shearman Allen & Associates, :Address- 1329 18th Street, N.W.. Phone No. - (202) 638-2777. Fax No. - (202) 638 -1677 by MOHAMMAD KHALID (Allen, Paul) (Entered: 07/20/2011)
07/22/2011		Minute Entry for proceedings held before Judge Frederick J. Scullin, Jr: In Person Status Conference held on 7/22/2011. Counsel meets in chambers. Michelle Benitez, Esq. application to appear Pro Hac Vice is Granted. 52 pages of Pltf FOIA request remain in dispute. The government will provide those pages to the Court for an 'in camera' review no later than 8/16/2011. The Court will set a telephone conference for 8/16/2011 to resolve any remaining issues. APP: Paul Shearman Allen, Sr., Esq. for Pltf; Michelle Benitez, Esq. Pro Hac Vice for Pltf; Gabriel Martinez, AUSA. LC: DEM. (Scullin, Frederick) (Entered: 07/25/2011)
07/25/2011		TEXT SCHEDULING NOTICE: Telephone Conference set for 8/16/2011 10:15 AM before Judge Frederick J. Scullin Jr. Plaintiff's counsel is responsible for initiating the conference call. Judge Scullin's chambers may be reached at 202- 354-3500. (Scullin, Frederick) (Entered: 07/25/2011)
08/10/2011		TEXT RESCHEDULING NOTICE: Reset Hearings: At the request of the government and with consent of plaintiff: Telephone Conference reset for 8/26/2011 09:30 AM before Judge Frederick J. Scullin Jr. Judge Scullin will preside in Syracuse and his chambers can be reached at 315-234-8560. Counsel for the government will be responsible for initiating the call. (Scullin, Frederick) (Entered: 08/10/2011)
08/17/2011	<a href="#">1</a> <a href="#">8</a>	NOTICE of In Camera Submission by T. DIANE CEJKA, MICHAEL CHERTOFF, MICHAEL MUKASEY, SARAH TAYLOR, UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES (Martinez, Gabriel) (Entered: 08/17/2011)
08/25/2011		TEXT RESCHEDULING NOTICE: Reset Hearings: Due to a change in the Court's calendar: Telephone Conference reset for 8/31/2011 09:30 AM before Judge Frederick J. Scullin Jr. Judge Scullin will preside in Syracuse and his chambers may be reached at 315-234-8560. Counsel for the government will be responsible for initiating the call. (Scullin, Frederick) (Entered: 08/25/2011)
08/31/2011		NOTICE TO ALL COUNSEL cancelling the telephone conference set for 8/31/2011 at 9:30am. A decision on the matter pending before the Court will be issued shortly. (Scullin, Frederick) (Entered: 08/31/2011)
08/31/2011	<a href="#">1</a> <a href="#">9</a>	ORDER granting <a href="#">7</a> Motion to Dismiss for Lack of Jurisdiction re: FOIA claims as to Plaintiff's alien record; granting in part and denying in part <a href="#">7</a> Motion for Summary Judgment re: FOIA claims as to Plaintiff's alien record, ordering that certain pages of the alien record, as listed in this order, were properly withheld and further ordering that certain pages, after redaction, as listed in this order, shall be released to the Plaintiff.. Signed by Judge Frederick J. Scullin, Jr on 8/31/2011. (Scullin, Frederick) (Entered: 08/31/2011)



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